G. R. S. IX-5]

Previous references.

Genl 6-17-18.

1928-29

(Genl)

File No. 53-18

Serial Nos 1-4, 7, 9, 11, 16-20

Later references.

Genl 88-20 (1-2)
" 111-22 (1,4)
" 20-23 (5-6)
L R 448-38 (1 to 7.)
552-38 (1-4)

(81)

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 13

Part B for May 20

SUBJECT.

Rules for the grant of revenue to widows &c.

25838 9 12-5-90.

To the Collector, Hyd.
Bangalore.
Notified us...

WD 1888—GPB—16,826—28-7-21

Accirculated.
(For Disposal at a Meeting)

No. C. 360

.....19.....

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clause xii of the Schedule.)

:Draft rules for the grant of prospecting and other mineral concessions.

Re- CIRCULATED TO THE MEMBERS OF COUNCIL.
with reference to Council Resolution of 24th April 1919 approved by His Highness on 20th May 1919.

By Order,

C S Balasundaram Sr

.....13th..January ...19.20. *Chief Secretary to Government.*

Extraordinary Member of Council.

First Member of Council. Seen.

3370/16-1-20

Second Member of Council. 17/1/20

2582/17/1/20

Third Member of Council. 16/1/20

(For Disposal at a . Meeting)

No. C. 759

15.4. 1919

GENERAL AND REVENUE SECRETARIAT.

COUNCIL MATTER.

SUBJECT.

(Clause xii of the Schedule)

Question of mineral exploitation in the State and the policy to be adopted in the disposal of applications for mineral licenses and leases.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

15th April 1919.

Chief Secretary to Government.

Extraordinary Member of Council.

1213/15.4.19

First Member of Council.

Second Member of Council. seen.

4129/17.4.19

Temporary Member of Council.

GPB—1,000—11-5-17

G.R.S. 11] 1918-19

GENERAL AND REVENUE SECRETARIAT.

(Geol)

NOTES.

File No. 57-18

FILE HEADING.

Question of mineral exploitation in the State & the policy to be adopted in the disposal of applications for mineral licenses & leases.

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First Sheet.

GPB—30,000—12-8-11

MYSORE ECONOMIC CONFERENCE.

Subject Committee for disposing of application

File No. of 191 . for mineral licenses

G.O. no. G. 6231-33
Geol 6-17-18 of 25th Sept 18

forming a Committee consisting of the Dir. Deptt of Geology, the Dir of Dte and the Secry E.C for the disposal of applications for mineral licenses and calling for a Report before 30th Nov 1918

Subd for information

HR 27.9
CWL 27.9.18 (Lee 27 Sept)

Mcy 30/9/18

3 The order is incomplete It does not say who the Convener should be - The time allotted is insufficient and moreover I am too busy to find time for the study of this important subject with all special duty Besides the Deptt officer who deals with the subject may be made the Secretary of the Committee & attend such meetings of the members as may appear likely then to prepare the report - Otherwise it will be difficult to proceed with the work

Ch Lee 2/10/18

Mcy 4/10/18

NOTE—Contn. sheet.

WD A176—GPB—3,000—5-8-18

9338 PD

MYSORE ECONOMIC CONFERENCE.

Subject. Committee for disposing of applicat. for mineral licenses

File No. of 191

5 Put up the previous Ufrom
W 17/6/18

6 Submitted with references.

Q

AHS 20-11-18.

7 Please put up a draft appointing Mr. M. Venkatesh Iyengar – Asst Secy. as Secretary of the Committee ~~[illegible]~~ Convener has also to be named
VG 20/11/18

DIARY NO. 9338

8 A draft order is submitted

AHS 20-11-18.

9 For orders. As Dr. Smeeth has returned the director Insp is proposed as convener.

Chief Secretary)

hw 4/12

2132-116
6.12.18.

10 Extra members

chy 5/12

11 Dont approved

Reed

7.12.18

Reed 11/12

May Ofr issue?

12 The previous order was appd circ.

Chief Sec.)

hw 11/12

13 Done

chy
12/12
hw
13/12

NOTE—Contn. sheet.

WD A176—GPB—3,000—5-8-18

9:38

MYSORE ECONOMIC CONFERENCE.

Subject.....

GeS File No. 57 of 1918.

1 To

The ~~Offg~~: Dir Deptt: Mines & ~~Geol~~

I & C.

Secy to the Mysore Economic Conference

G. 11505-7 dy 14:12:18.

Directs that ~~he~~ the Director of the Deptt: Mines & Geol be asked as the Convener of the Committee with Dr. Venkatesa Iyengar M.A. Asst: Secy to GoI as Secretary to the Committee

From the Secy, Economic Conference

2 3090 dy 23-12-18.

Of the Committee request that the time for the submn of the report be postponed upto the end of January 19

Draft GO appointing the Chief Secy to the Coll is submd for appn.

Dno 23/12

Chief Secy)

1st It will be useful if the Chief Secy is also in the Committee.

2nd member)

I do agree

Draft approved

Dno 28/12

Rice

31.12.18

3653-300. 30-12-18.

NOTE—Contn. sheet.

3 To the Director of Mines & Geology

WD A176—GPB—3,000—15-8-18

From Secy, Economic Conference

No G 13039 dy 31-12-18

Appoints Mr. Secy as a member

G. R. S. III-2

General and Revenue Secretariat. | Geo C File No. 57 of 1918-19

Serial No.

2 From the Secretary, Economic Conference
No 3090 of 23-12-18.

Requests that the time fixed for the submission of the report of the Committee appointed to study the question of mineral exploitation may be extended upto 31-1-19 as he is likely to be on leave till the middle of January 19.

Submitted for orders.

AAS. 26-12-18. Ag

ID Sd- approving and forwarding copy to the Convener for info

26/12

Submitted with a draft for appl

AAS 27-12-18. Ag Ch Secy

31/12

2 Issue

Ag

2/1/19

4 To
The Secretary Economic Conference
G. 14655 of 17.1.19
States with refce: to S. 2. that the time for the submission of the report refd: to in SC/ has been extended upto [illegible]
21 Submitted for orders as to whether the time fixed for the submission of the report by the Committee may not be further extended.

AAS 15-2-19. Ag

PTO

Pleading papers have been submitted to the Chief Secretary with a draft addressing him as an official member of the Committee referred to.

NOTE—Contn. sheet.

10218

G. R. S. III-2]

General and Revenue Secretariat.

Genl File No. 57 of 1918-19.

Serial No.

22

As I stated on the Department's quarterly Progress return which was subs to the Member a few days ago, the Committee have met twice so far and finished considering the rules - They may have to meet once or twice more. D L Smeeth said that he would require some time to draw up another note. It is possible that the Committee may take till the 15th March to submit the final report - Perhaps orders extending time till the may issue or (the convener may be asked when he ~~hopes~~ expects to submit the final report)

Sne
18/2

4684-58
18-2-19

Second Member)

23

This may be done. I do have thought that it was incumbent on the convener to ask for the extension of time & not for the Govt. to make the suggestion!

Ill
19. 2. 19

19/2/19

24

Branch. S/T 19/2

25

Submitted under a despatch

Asst. 21-2-19

26 Sne
Sne
22/2

NOTE—Conta. sheet.

WD A 1789—GPB—60,000—20-5-18—25

G. R. S. III-2)

162 '28'
1918
Bg 14

General and Revenue Secretariat. | Govt File No. 57 of 191 8.-19.

Serial No.

1 To

Dr. W. F. Smeeth, Director of Mines & Geology
No 1878 S/ 27-2-1919.
Requests him to state when he expects to submit the report of the committee recently appointed

SECRETARIAT.
IV
MINOR Depts.
4 MAR 1919

Govt

2 From the same office
No 6281 S/ 13-3-19
Forwards a copy of the proceedings of the ~~committee~~ two meetings of the committee for the approval of the changes therein proposed in regard to the rules for the grant of leases &c so that he may take necessary action to submit revised rules for final approval of Govt and states that a further report will be submitted when the committee have concluded their work.

3 Submitted for ~~orders~~ perusal.
Attd 15-3-19

4 It will be worked up & resubmitted for orders on this returned after perusal
15/3/19

5432-27
17.3.19

Second Member

29 Seen

30 Have read the Minutes of the two meetings with interest.
15. 3. 19

31 Branch
Refer the report when it is received.
1913.

NOTE—Contin. sheet.

10218

Serial No.

32

Directions attended to & recirculated

AHS. 22-3-19. Ag

2413

33 The reports resubmitted in order. I have made brief notes of the Committee's decision in regard to each suggestion in note C on the margin of the copy in the file

34 The most important changes proposed are: —

1) The institution of certificates of approval. This was proposed some years ago & the proposal was not accepted. (File will be obtained from the office of the Director & put up) The Committee agree to this proposal.

35 This will enable us to give effect to the policy recently laid down by Govt. to restrict licenses to local people & outsiders who have worked in the state for 3 years already.

Certificates of approval will make possible a certain amount of decentralisation in regard to the grant of licenses & their renewal. The Director having power to grant renewal certain licenses under conditions that may be fixed if the persons concerned hold certificates of approval.

2) Limiting the area under prospecting license to 4 sq. miles

P.T.O.

NOTE—Contn. sheet.

R. S. III-2]

General and Revenue Secretariat.

Govt File No. 57 of 1918-19.

Serial No.

3) The reduction of the period under a mining lease to twenty years in the first instance for gold & 10 years for other minerals. It is however proposed that the lessees should have the right to a further period of twenty years in the case of gold & 10 years in the other case if they should chose to ask for a renewal.

This is really not reducing the period permissible under a lease for this because if a lessee asks for a renewal Govt would have to grant it and the total period would be 40 years — 10 years more than now.

This point is merely emphasized as being particularly important.

4) The proposal to make it clear to licensees &c in the rules how far they might expect the help of Govt in obtaining surface rights to carry on work under their leases.

5) The proposal to ~~qualify~~ modify the ~~rule~~ absolute right of a prospecting licensee under the existing rules to claim a mining lease over any one square

R. S. III-2]

General and Revenue Secretariat.

Geol File No. 57 of 1918-19

Serial No.

rule included in the block, with the reservation that a lease may be refused over any portion required for public purposes & that if the licensee intends large expenditure on any portion with a view to profitable mining work he might in his own interest ascertain beforehand if the land is likely to be available to him for a mining lease -

For orders.

Geo
31.3.19.

Chief Secy)

36 The changes proposed were fully discussed by the Committee & were agreed to. I think they are all improvements on the existing rules, calculated to keep in the hands of Govt adequate control without discouraging mineral development -

37 The general approval sought for may be accorded - after this is done the necessary detailed amendments will be prepared & submitted -

2nd member

CSS
3/4/19

5943-19
4-4-19

38

Rule put up by Secretariat 3/4/19

NOTE—Contn. sheet.

1623a

10

R. S. III-2]

General and Revenue Secretariat.

Govt File No. 57 of 1918-19

Serial No.

is clear & if contains I think with the amendments proposed & accepted by the Committee, a step forward may be declared as taken. The amendments are, in my opinion, acceptable.

Reed
4.4.19

39 May perhaps be appd in Council by Circulation
Chief Secy
4.4.19.
4th Secy

CSK
8/4/19
Secy
9.4.19.

41 Would it be better for the Committee to complete their work & submit a final report. under the proposed procedure I am not quite clear as to the meaning

42 I do not think the Secretary can deal fully with the case which involves many matters which have been up for Govt. in Council and ask the Committee in the meantime to push their labours

CS
11.4

CS.
circulate
CSK
14/4/19
Submitted with a draft
11-

NOTE—Contn. sheet.

OFFICE
APR 1919
6154

R. S. III-2]

General and Revenue Secretariat.

Gen-File No. 57. of 1918-19

Serial No.	
	4½ Bor Dossier appointments & Secretariat Letter No 1445
9	To The Director, Dept: of Mines & Geol. G. 23458 dt 14.4.1919. Calls for the further report of the Committee promised in 8(8 so that the question of the policy in regard to Mineral exploitation may be Considered early

NOTE—Contn. sheet.

C.759

12

Extract from the Proceedings of the 488th *Meeting of the Council of His Highness the Maharaja, held at Bangalore on the* 24th April *19* .

44

8. Subject.- Clause xii of the Schedule.

Revision of the prospecting and mining rules.

Opinion of the Council.

The proposals may be generally approved and detailed draft rules may be called for.

Sd. A.R.Banerji,

Offg. Dewwan of Mysore.

"EXTRACT."

C.S.Balasundaram

Chief Secretary to Government.

WD 1148—GPB—1,000—28-12-18

6298

C.759

WD 1233—GPB—60,000—1-12-16—S.

13

G. R. S. III-2]

General and Revenue Secretariat. | File No. | of 191

Serial No.

45 To the Assistant Secretary, Branch IV (Munic Depts)
for kindly submitting the file to the Second *Member of Council with a draft Final Note.*

U.S.
11/5/19

46 Submitted with a draft final note as D.S.N.

A.S.
27-4-19.

47 Please put up clean copies as noted
Rao
4/5

48 D.S.N. submitted
Rao
3/5

669-47.
3.5.19.

Second Member) —

49 D.S.N. approved

Rao

5.5.19

50 D.S.N. Submitted.

Dewan

U.S.
13/5

51 W.D. 165

Rao
14/5/19.

DEWAN'S OFFICE.
Recd. on MAY 15 1919
Reg. No. 7166.

NOTE—Contn. sheet.

Final Note by the Second Member of Council.

52

Subject:— Question of mineral exploitation in the State and the policy to be adopted in the disposal of applications for mineral licenses and leases.

With a view to lay down definite lines of policy in regard to the disposal of applications for mineral licenses and concessions, Government directed, in their order, No. G.6231-33/Geol. 6-17-18, dated 25th September 1918, that a Committee consisting of the Offg. Director of Industries and Commerce and the Secretary, Economic Conference, be formed to study the question of mineral exploitation as a whole in the State, and, to submit proposals regarding the main lines of policy to be followed in regard to each mineral. In a later order, dated 2nd January 1919, the Chief Secretary was added to the Committee.

2. Dr. Smeeth, Convener of the Committee, has, with his letter, No. 6281 dated 13th March 1919, submitted a report of the views of the Committee regarding the rules for the issue of prospecting and other licenses and leases and requests the general approval of Government to the changes proposed before the rules are revised embodying them.

3. Some of the most important changes proposed by the Committee are:-

Paras 33-35 of the rules

(1) The institution of certificates of approval which would enable Government and the Department to have what would, more or less, be a list of desirable persons, who are Mysoreans by birth or domicile, or outsiders who have worked in the State for 5 years already.

(2) Limiting the area under a prospecting license to 4 square miles.

(3) The reduction of the period under a mining lease to twenty years for gold and ten years for other minerals, in the first instance. It is, however, proposed that the lessees should have the right to a further period of twenty years in the case of gold and ten years in the case of others, if they should choose to ask for a renewal. This would give lessees an assurance of a fairly long period of work justifying the sinking of a large capital, while it would give Government the advantage of any changes in the rates of royalty, etc., that might have come into effect during the previous period.

(4) Making it clear in the rules etc., how far licensees and lessees might expect the help of Government in obtaining surface rights to carry on work under their licenses and leases.

(5) Modifying the absolute right of a prospecting licensee under the existing rules to claim a mining lease over any one square mile included in the block, with the reservation, that a lease may be refused over any portion required for public purposes and that if the licensee intends incurring large expenditure on any portion with a view to further mining work, he might, in his own interests, ascertain beforehand if the land is likely to be available to him for a mining lease.

4. The changes proposed by the Committee are all improvements on the existing rules calculated to retain in the hands of Government adequate control without discouraging mineral development. They were all considered in Council, who are of opinion that the proposals may be generally approved and draft rules suitably revised called for.

5. The general approval sought for may be graciously accorded.

S. Raghavendra
10.5.19
SECOND MEMBER OF COUNCIL.

Bangalore,
10th May 1919.

16

Submitted to His Highness.

53

I submit herewith, for His Highness' gracious approval, a Final Note by the Second Member of Council on the question of mineral exploitation in the State and the policy to be adopted in regard to the disposal of application for mineral licenses and leases.

9

15th May 1919.

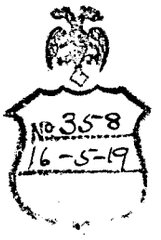
BM

16-5-19

759

Record of Cases submitted for the Order of His Highness the Maharaja.

Subject.



Rules for the issue of mineral licenses and leases.

1183

54 *Order.*

~~KRAW~~

20/5/19

55 Chief Secy

G. R. S. III–2]

c.759

General and Revenue Secretariat.

Genl. File No. 57 of 1918.

Serial No.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders.

56 Circulated to the Members of Council for perusal of (*) His Highness' orders ~~before~~ / after issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure).

C. Balasundaram
Chief Secretary to Govt.

Through the Secretary to Government,

....Department.

1760 / 29.5.19

57 FIRST MEMBER OF COUNCIL 29/5/19

7297-244 / 23.5.19

SECOND MEMBER OF COUNCIL Seen Rell 24.5.19

58

4859 / 24.5.19

TEMPORARY MEMBER OF COUNCIL. 26/5/19

59

To the Asst. Secy. Home Dept. Branch, for a draft.

60

Draft letter put up 31/5

(Seen) Issued 31/5/19

NOTE.—Contn. sheet

1573—GPB—500—4-3-19

4932
16238

R. S. III-2]

General and Revenue Secretariat.

Geol File No. 57 of 1918-19.

Serial No.	
11	To The Director Dept. of Mines & Geol. G. 27239 of 5.6.1919 States that the Govt. generally approve of the changes proposed by the Committee & requests that a copy of the draft rules as revised may be submitted for the approval of Govt. very early.
16	From the same office. No 726 of 8-9-19 Submits a copy of proceedings of 2nd meeting of the committee together with a copy of revised draft rules & a note on a Gold Syndicate & states that a note re the gold Syndicate which the committee suggest might be submitted to Govt will be forwarded later & reports that his recommendation regarding the reservation of minerals & mineral areas will have been approved by the committee & that a separate communication on that subject will be submitted with reference for orders.

Subs #

Attd. 11-9-19

To Submitted for perusal in the first instance.

To It will be worked up and resubmitted for orders with a draft G.O. when received back after perusal

Rev 12/9

(To First Member)

1936-35-7

13-9-1919

NOTE—Contn. sheet

Sign

This may be done here. Rec'd. 15-9-19.

Draft Govt. order Rev 16/9

General and Revenue Secretariat. | Govt File No. 57 of 1918-19

Serial No.

67 A draft G.O. is subd for consideration and approval.

68 The view expressed in para 11 of the draft that to include the rule re acquisition of occupied land for a licensee or lessee in the rules & modification of the L R Code and the L A Regns is not nec^y differs from that expressed by the committee and is put in tentatively. It will be modified if legal opinion is opposed thereto. It is subd however for consideration

(1) that the last clause of S. 233 of the L R Code gives Govt genl power to make rules under the Code

(2) that the present rules re licenses and leases are all rules under Sec 38 of the Code

(3) that in this section acquisition acc/to the L A Regns is specifically authorised for the purpose in view and

(4) that the definition of "public purpose" in the L A Regns is sufficiently comprehensive to include a purpose specifically mentioned in legislation such as the L R Code.

On this point and on the question whether the rules may be embodied

Rev Secy & Govt advocate may be consulted. cdj 18/4

NOTE—Contn. sheet.

4932

G. R. S. III-2]

General and Revenue Secretariat. | File No. 57 of 1918-19

Serial No.

Bye (
CBZ

in a Regulation the Govt Advocate may be consulted

7° Orders on the reservation of minerals will be submitted for approval on the connected file.

8) The note of Dr Smeeth re the alternative scheme for state participation in mining has not been received yet and will be submitted for orders when received. It is being again called for.

Submitted
19.11.19

(Ch Secy) 9) Letter Compliments
Revenue for favour of opinion on the points noted above.

CBZ
Submitted
19/11/19.

7) Para 11 of the proposed draft order seems to me to be quite all right, so far as it refers to the provisions of the L.R. Code. Proviso (2) of Sec 38 is sufficient authority for acquiring lands in the holding or enjoyment of others, in order to exercise the rights referred to in the Section. No amendment seems called for.

As regards the L.A. Regn., the

NOTE—Contn. sheet.

6932

G. R. S. III-2]

General and Revenue Secretariat.

File No. 57 of 1918-19

Serial No.

the case seems to require some further examination. The Reg^n is one intended ~~for~~ to provide for "the acquisition of land for public purposes and for Companies." The term "public purpose" has not been defined in the Reg^n. Whether the object under consideration would be a 'public purpose', and whether the mention in another legislative enactment that the L. A. Reg^n can be resorted to in a particular case, (as mentioned in proviso 2 of sec 38 L. R. Code) would be sufficient legal authority for proceedings being taken under the said Reg^n, are matters which require exam^n, I think. It seems necessary to consult the Govt. Advocate

Chief Secy (with Compts)

21.11.19

— To be forwarded to the Govt Adv for remarks, now is appt

Dy Secy

Ch Secy) Yes. please

Dy Secy 28/11/19

NOTE—Contn. sheet.

P. A. O

G. R. S. III-2]

General and Revenue Secretariat. | [illegible] File No. [illegible] of 191[illegible]

Serial No.

No. 107
26/11/19

15410 11/11/19
No. 113 to 11-11-19

11

Dir Rev & Ag
1 DEC

7 Forwarded to with Compliments to the Govt Advocate for favour of remarks on the two points referred to in Para 6 of above

Sd/-
M Venkatasubba Iyengar
for Chief Secy to Govt

26/11/19.

7 To secure the object in view, viz, to acquire occupied land for being given over to a lessee under the rules for the grant of Exploring and Prospecting Licences it appears to me to be necessary to embody either Section 38 of the Land Revenue Code or the Land Acquisition Regulation.

The Proviso 2 to section 38 of the L. R. Code specifically provides for such land being acquired in accordance with the Land Acquisition Regulation VII of 1894. The L. R. Code of 1888 (Regn IV of [illegible]) was passed after the previous Land Acquisition Regulation, Act X of [illegible] and the present wording refers to the later Regulation of 1894 substituted for the corresponding previous reference to the Act

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | Genl File No. 57 of 1918-19

Serial No.

When the L. R Code, which is posterior in date to the original L. Acq^n Act, makes a ~~ref~~ reference to the latter Act for purposes of acquisition of land it has to be taken that such a purpose was deliberately intended by the legislature to be a "public purpose" within the meaning of subsection (1) of section 5 of the L. Acq^n Regulation.

8. There is no definition, properly so called, of this expression in the Regulation. But this term is comprehensive enough to include such a purpose. It may also be stated that in all such cases the land is acquired for the benefit of the Government itself and the compensation to be awarded in respect of such property "is to be paid wholly or partly out of public revenues" within the meaning of the proviso to subsection (1) of section 6. For, though the ultimate object be to hand over the land to lessee, it is in reality the property

NOTE—Contn. sheet.

General and Revenue Secretariat. | G. File No. 57 of 191 8.-9

Serial No.

property of Government leased out to him in the financial interests of the State, just as in the case of the other unoccupied lands given to the licensee.

82 There does not, therefore, seem to be any necessity to amend either of these enactments.

83 In regard to the Rules issued by Government for the grant of Exploring and Prospecting licenses and Mining Leases, there is no doubt that they cannot be considered to have been issued under any other provision of law than Section 38 of the Land Revenue Code (read with section 233)

84 But in all cases where Rules are issued by the Government in the form of a Notification, it is usual to refer to the section of the enactment under which power is reserved to Government for framing such Rules. That such a procedure is enjoined in respect of Rules under the Land Revenue

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | G. File No. 57 of 1916

Serial No.

Revenue Code, also, is to some extent indicated by the wording of Section 234. No such reference is made in the Rules issued in G. O. No G. 15407-Geological 5-15-5 dated 12-5-1916. It is an omission which has to be supplied.

§5 Section 38 of the L. R. Code no doubt says that "the Government shall have all the powers necessary for the proper enjoyment or disposal of such rights" and section 233 provides for rules being framed "for the guidance of all persons in matters connected with the enforcement of this Regulation or in cases not Expressly provided for therein". It cannot therefore be urged that the Government had no power to issue the Rules referred to above.

§6 Post it may at the same time be noted that whereas Express reference has been made in section 233 to

WD A 1789—GPB—60,000—20-3-[redacted]

G. R. S. III-2]

General and Revenue Secretariat. | Genl File No. 57. of 1918-19

Serial No.

to matters of a comparatively minor importance such as:-
(1) disposal of unoccupied land (clause c),
(2) disposal of trees (d),
(3) disposal of building sites (l), etc,
No reference is made to the disposal of rights to metals and minerals. It would therefore be better to expressly reserve power, as in the other matters referred to therein, for framing rules for the various purposes contemplated by the Rules of 1916 referred to above. The necessary amendment for securing this object may be made either to section 38 or better still to section 233 by adding another clause to it.
8. As it is proposed to issue fresh Rules with some improvements on the Rules of 1916, section 233 of the L.R. Code may be suitably amended early and the new Rules proposed

NOTE—Contn. sheet.

WD A 1789—GPB—60,000—20-8-18—S.

Serial No.

proposed may thereafter be issued under the powers thus expressly reserved under the amended Section 233

88 In the reasons noted above it is unnecessary to issue the rules in the shape of a new regulation. Fresh legislation is undertaken only in matters of importance in cases where no power is already vested in Government. The present case is one where such power is already vested by virtue of section 38 of the L.R. Code and all that remains to be done is to make the matter more explicit by adopting the course suggested above.

Standing Counsel
Govt Advocate
10-12-19

CHIEF SECRETARIAT. IV Dept. 11 DEC 1919

89 Submitted with reference to paragraph 77 above.

AAG. 12-12-19

90 In view of the opinion expressed in para 82 above para 11 of draft may stand. A few words are added at the end of para 12 of draft.

NOTE—Contn. sheet.

493 ✓
16.12.19

Serial No.

that the rules will be published as rules under the Land Rev Code (Last Sentence of Para 84 above)

91 The Govt Advocate agrees with the Commr that these rules need not be embodied in a regulation. So paragraph 14 of the draft may stand.

92 It seems unnecessary to withhold approval to these rules or their publication till the LR Code is amended as suggested in para 87 above by the G. Advocate if the main objection that can be raised is as stated in para 82 baseless. These rules may be approved and issued immediately whatever amendment of the LR Code is necessary to make the general provision of clause n of Sec 238 more specific under Sec 38 can be taken up separately and passed in due course. I propose this 15/12

(Ch Secy)

93 1st member

4035-150
23.12.19

94 Seen 23/12
95 If 2nd Lt. Govt. in such cases. 22/12
have a paragraph conveying the thanks of Govt. to the Members of the Commn
for. the addition had been be made

NOTE—Contn. sheet.

96 (Chief Secy)

Seen
26.12.19
23/12

6238

G. R S. III-2]

General and Revenue Secretariat. | G. File No. 57 of 1919.

Serial No.

Asst Secy.

97 Please add a paragraph.

98 I have added a paragraph at the end of the draft subject to approval 6/1 (Ch Secy) CSJ 21/1/20

99 It may be considered in Council (Dewan) CSJ 5/1/20 Secy 5/1/20

DEWAN'S OFFICE.
Recd. on JAN 6 1920
Reg. No. 4511

CS 13/1/20

100 Yes Secy 10.1.20

CS Circulate

CSJ 12/1/20 Secy

NOTE—Contn. sheet.

C.360 31

Subject. - Clause xii of the schedule.

Draft rules for the grant of prospecting and other mineral concessions.

...

101 29-1-20.

Partly discussed.
First Member will talk over subject with Dr. Smeeth and then the case will be further dealt with in Council.

(Intd.) C.S.B.

29-1-20.

102
Submitted to the First Member of Council

(Intd.) C.S.B.

30-1-2_

103
I do not know if Dr. Smeeth is in town. If he is, he may be written to D.O. and asked to see me. Say next Wednesday, 4th prox. about 3.30 p.m.

(Intd.) P.R.R.

31-1-20.

Note. 104

I have discussed the point with Dr. Smeeth and I think he has very strong reasons for his proposals being accepted. In the case of Gold Mining, where a large capital has to be invested and elaborate appliances used he says that 20 years is about as short a period as can be prescribed. At present the period is 30 years in the first instance with right under the rules to renew for a further period of 30 years making the total period 60 years. As now proposed the total period will be 40 years or 20 less. The reduction of the

period from 30 to 20 years while giving the Govt. a chance of enhancing rate of royalty, etc. should it be necessary, the right to renew will also provide the necessary assurance to the Company to a continuance of the ~~base~~ lease, which is necessary for the satisfactory development of mining operations in the State.

11.2.20

(Intd.) P.R.R.

4-2-20.

105

C. 860

20

Extract from the Proceedings of the 518th *Meeting of the Council of His Highness the Maharaja, held at Bangalore on the* 5th February 1920.

8. Subject. - Clause xii of the schedule.

Draft rules for the grant of prospecting and other mineral concessions.

Opinion of the Council.

The draft rules may be approved.

(Signed) M. Kantaraj Urs,
Dewan of Mysore.

"EXTRACT"

C S Balasundaram Jr

Chief Secretary to Government.

—GPB—1,000—23-12-18

C.360 4932.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

34

General and Revenue Secretariat. | File No. | of 191

Serial No.

106 To the Assistant Secretary, Branch IV (Mining Depts.), for kindly submitting the file to the First Member of Council with a draft Final Note.

CBX 6/2/20

107
Submitted with a D.F.N.

ATS 7-2-20 Ally 108 Please put up a clean copy as revised.

2CS 7/2/20.

109
Submitted with a typed copy of draft Final note

ATS 9.2.20 Ally

110 For approval.

(1st Member)

2CS 9/2/20.

111 D.F.N. approved
Reel
11.2.20

112 D.S.N. Subd.

Dewan

CBX 12/20

DEWAN'S OFFICE.
Recd. on FEB 14 1920
Reg. No. 5592

NOTE—Contn. sheet.

35

Final Note by the First Extra Member of Council.

113

Subject:—

Revision of rules for the grant of prospecting licenses and other mineral concessions etc.

With the object of laying down the main lines of policy in regard to the exploitation of minerals in the State, Government appointed a Committee consisting of the marginally noted officers to go into the whole question and to submit suitable proposals in the matter. The committee met thrice and discussed the more important of the matters connected with the question and submitted a report with a set of rules regarding mineral licenses and leases in the State.

1. The Director, Department of Mines and Geology (Convenor).
2. The Director of Industries and Commerce in Mysore.
3. The Chief Secretary to Government.
4. The Secretary to the Economic Development Board.
5. Mr. M. Venkatesa Iyengar, Assistant Secretary to Govt., (Secretary to the Committee)

The proposals of the Committee were considered, and generally approved by the Council at their Meeting held on 24th April 1919, and, with His Highness's approval, the Director, Department of Mines and Geology, was asked to submit, for the approval of Government, a revised set of rules embodying the changes proposed by the Committee and generally approved by Government. The Director accordingly submitted a set of revised rules with his letter No. 726 dated 8th September 1919. These rules were discussed in Council on 29th January and again on 5th February 1920 and met with their approval.

Page 12 of Office Notes

Page 33 of Office Notes

A draft order sanctioning the recommendations of the Committee and describing the main features of the changes proposed in the revised rules, is herewith submitted for gracious approval.

Draft for approval

Proposals, re- the reservation of minerals and mineral areas in the State, are separately under consideration and the question

of State participation in mining will be taken up after the receipt of alternative proposals on the subject from the Director of Mines and Geology on Special Duty.

P. Rajagopalachari
11.2.20.
FIRST MEMBER OF COUNCIL.

37

Submitted to His Highness.

114

I submit herewith a Final Note by the.....First.....
Member of Council on the subject of....the..revision...
of..rules..for..the..grant..of..prospecting..licenses.....
and..other..mineral..concessions..etc.....-.....-.....
for His Highness' gracious approval.

Dewan.

16th Jan 1920

2/20 38

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Revision of the rules for the grant of prospecting licenses and other mineral concessions.

115 *Order.*

~~KRW~~

19/2/20

8/0/

11b Ch-Leg

20.2.20

89

G. R. S. III-2]

C 860

General and Revenue Secretariat.

Secl File No. of 19 .

Serial No.

(*)

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders.

117 Circulated to the Members of Council for perusal of His Highness' orders before / after issue of orders.* (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

C J Galsworthy
Chief Secretary to Govt. 24-2-20

Through the Secretary to Government,

.....Department.

118
FIRST MEMBER OF COUNCIL

1
23.2.20

119
SECOND MEMBER OF COUNCIL Reed
25.2.20

5-474-180
24-2-1920.

120
THIRD MEMBER OF COUNCIL.

6415
25/2/20

121 Issue draft order + rules in print early
26/2
26/2/20

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.	Geol File No. 57 of 1918-19
Serial No. 17	To The Director of Mines & Geology The Director of Agl & Geology Nos 19921-2 & 27-2-20. Approves of the Rules for the grant of mineral licenses, leases & other concessions in the State.

12
D.O. No. 2218
with proof of the Revised Rules for Mineral Licenses & Leases.

MYSORE GEOLOGICAL DEPARTMENT

Bangalore 20th April 1920.

26/4/20.
Dear Sir,

With reference to the enclosed proof of the Revised Rules for the grant of mineral licenses and leases, I would like to bring to your kind notice one or two points in connection therewith before passing the same for print.

Please see

We have not seen the Government Order of 27th February 1920, approving of the draft of the revised rules and it is not therefore quite clear whether the rules to be appended to that Order ar to appear as "Draft of Revised Rules" or as the revised rules prescribed by a Government Notification. If the former be the case, the rules will have to be reprinted and published separately under a Government Notification. In the latter case, it seems necessary that the Government Notification prescribing the revised rules should be sent to the Press for being printed at the top

of

G. R. S. III-2)

General and Revenue Secretariat.

Geol File No. 57 of 1918-19

4932 13762 16380 1918

Serial No.

28

From the Director of Mines & Geology
No 473 A 20-4-20

Forwards for approval a draft of a form each of (1) application for certificates of approval and (2) certificates of approval, proposes certain a verbal alteration in para 18 of the rules & requests orders as to whether all applications for certificates are to be submitted to Govt for approval or only those received from persons who do not at present hold any mineral concessions, be so submitted.

vide previous page

123 As regards the points raised in the D.O. letter of the Office Assistant to the Director of Geology, Kind attention is invited to paragraph 2 of the Govt order of 27-2-20.

S

124 The copy of proof showing the alteration proposed to be made in paragraph 18 of the rules referred to in Dr Smeeth's letter of 20-4-20, has not been received. A draft calling for the same is submitted.

PUB

125 Kind attention is invited to Flags E and T and orders are solicited as to whether the revised rules may be notified for the information of the Public and fifteen copies sent to the Residency. A draft notification is however submitted.

APS.
24-4-20.

126 Issue draft to Dr. Smeeth & re-submit after receipt of reply.

To the Director of Mines & Geology
No G 24682 A 30-4-20

DCS
27/4/20.

States that copies of proof showing the alteration proposed para 18 of the rules has not been received & requests that a copy of the same maybe forwarded early.

NOTE—Contn sheet.

1918
1816

42

G. R. S. III-2j

General and Revenue Secretariat. | Geol File No. 57 of 1918-19

Serial No.

From the Director of Mines & Geology
No 475 dy 5-5-20.
Forwards two copies of proof showing the alteration proposed in para 18 of the rules.
Resubmitted as directed.
AAS
5-5-20.

127 The drafts of Application and Certificate of approval submitted by the Director are suitable and may be approved

circulate to P.U.D.II (M no 16).

128 The small verbal alteration suggested in Rule 18 may also be approved

circulate to P.U.D.I

129 The Director's suggestion re disposal of applications for certificates contained in paragraph 3 of the letter under disposal may be approved.

P.U.D.I. (M no 18)

130 Draft Notification publishing the revised Rules is put up for approval. Immediately after issue, copies of Revised Rules will be sent to the Residency for information as required in paragraph 3 of the Residency communication dated 4th November 1909.

Chief Secy) 131

dcg
5/5/20.

132
7.5.20

1st Minister

132 AS
8/5

cor
to
8/5

17

To the Director of Mines & Geology
The Director, Agricultural Geology
Approved the form of application & of the certificate of approval etc

NOTE—Contn. sheet.

1916
1962

43

G. R. S. III-2)

General and Revenue Secretariat. | Gen. File No. 57 of 1918-19

Serial No.	
	Submitted with a draft.
	AUS 11-5-20. Issue DCS 11/5/20.
20	To the compiler, Mysore Gazette G 25838 of 12-5-20. Notifies the publication of amendments

NOTE—Contn. sheet.

HR Welch

41

Proceedings of the Government of His Highness
the Maharaja of Mysore.

*****

Order No. G 6231-33
Geol 5-17-1

Dated, Bangalore, 25 September 1918.

With a view to lay down definite lines of policy in regard to the disposal of applications for mineral licenses and concessions applied for, Government consider that it is desirable to form a Committee consisting of the Offg. Director, Department of Geology the Off. Director of Industries and Commerce and the Secretary, Economic Conference to study the question of mineral exploitation as a whole, in the State and submit proposals regarding the main lines of policy, to be followed in regard to each mineral.

A report in the matter may be submitted to Government before 30th November 1918.

for Chief Secretary to Government.

To

The Offg. Director, Department of Geology.

" Offg. Director of Industries and Commerce.

" Secretary to the Mysore Economic Conference.

ACH. 3.

G.R.S. VI-71]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

, the *191* .

Date of issue 14-12-18

Signed by Dr Gwd. Iyengar

May this be

i Printed?

ii treated as a standing order?

iii published in the Gazette English part?

iv translated?

v placed at the disposal of the press?

vi published in the Gazette Kannada part?

Section Geol

File No. 57-18

Serial No. 1

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read.—

Govt order no G 6231-33/Geol 6-17-18 & 25-9-18 directing that a committee consisting of the Offg Director, Dept of Geology, the Director of Industries and Commerce and the Secretary, Economic Conference be formed to study the question of mineral exploitation, as a whole, in the State and to submit proposals regarding the main lines of policy to be followed in regard to each mineral.

~~Order Thereon: No.~~

P.T.O. over.

[illegible] 11505-7 of 12-12-18

Order. In modification of the terms of the G.O read above
the Govt are pleased to direct
that the Director of the Dept of Mines and Geology act as
~~the~~ the convener of the committee ~~appointed by the G.O read above~~
in lieu of Mr. M. Venkatesangar, M.A. Assistant
Secretary to Govt ~~in the~~ as Secretary to the Committee
~~to the committee and collect such information~~
~~as the members may require and be~~
~~them to prepare the report.~~

The time for the submission
of the report is also
extended to the 15th Jan 1919

Rec
2.12.18

4/12/18.

~~Foreign~~ Secretary to Govt.

To The offg Director, Dept of Geology
The Director of Industries & Commerce
The Secretary to the Mysore Economic
Conference.

List of enclosures.

Copied by

Examined by

10218

DIARY NO.....

WD A902—GPB—1,000—19-11-18

47

Tel : Address
At Bangalore & Mysore
"MYSECON."

MYSORE ECONOMIC CONFERENCE,

No. 3090 Dated Bangalore, 23-12-1918

57-18-2

18526

FROM

P. G. D'SOUZA, ESQ., B.A., B.L.,
Secretary to the Mysore Economic Conference,
Bangalore.

To

C. S. Balasundaram Iyer, Esq., B.A.,
Chief Secretary to Government of Mysore,
Bangalore.

SIR,

With reference to Government Order No.G.11505-7/Geol.57-18-1 dated the 14th December 1918, I have the honour to request that orders of Government may be kindly obtained extending the time for the submission of the report by the Committee appointed to study the question of mineral exploitation, up to 31st January 1919 as I am likely to be away on leave till the middle of January 1919.

I have the honour to be,
Sir,
Your most obedient servant,

For Secretary.

Psk.

G.R.S. VI-71]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section Geol
File No. 57-8.
Serial No. 3

General and Revenue Secretariat

( )

Proceedings of the Government of His Highness the Maharaja of Mysore.

, *the* 191

Date of issue.....

Signed by.....

Read.—

—— Govt ord no Cr-62-31-33/Geol-6-17-8 & 26-9-8 directing that a committee consisting of the offg Director Dept of Geology, the Director of Industries and Commerce and the Secretary, Economic Conference be formed to study the question of mineral exploitation as a whole in the State and to submit proposals

Order Thereon:— No.

regarding the main lines of policy to be followed in regard to each mineral

2. Govt ord no Cr 1505-7/Geol 57-8-1 & 14-12-8 directing that the

P.T.O.

May this be

i Printed?

ii treated as a standing order?

iii published in the Gazette English part?

iv translated?

v placed at the disposal of the press?

vi published in the Gazette Kannada part?

Director, Dept of Mines & Geology act as
the convener of the committee with Mr. M.
Venkatalingam, M.A. Assistant Secretary
to Govt as Secretary to the committee.

Ordr. no. 13039-41

Govt are pleased to ~~direct~~ appoint
Mr C. S. Balasundaram Iyer I
the ~~to be~~ Chief Secretary to Govt ~~be appointed~~
as a member of the above committee.

31-12-41

23/12
for Chief Secy to Govt

To The Director, Dept of Mines & Geology
The Director of Industries & Commerce
The Secretary to Govt Mysore Economic
Conference.

List of enclosures.

Copied by

Examined by

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section GeoC
File No. 57-8.
Serial No. 4

GENERAL AND REVENUE SECRETARIAT,
( )
, the *191* .

No. 14333

Date of issue.....

To The Secretary to the Mysore Economic Conference.

Signed by.....

Sir,

With reference to your letter no 3090 of 23-12-8 requesting that, as you are likely to be away on leave till the middle of January 1919, orders of Govt may be obtained for extending the time fixed in G.O. no G.11505-7/GoI 57-8-1 of 14-12-8 ~~be extended~~, I am directed to state that the time for submission of the report by the Committee appointed to study the question of mineral exploitation have been extended up to 31st January 1919

P.W.D

Para 2 of flag K.

over.

as proposed by you

Thanks

Memo.

Mc 4/1/19
for Chief Geologist.

WG 27/12/18

A copy of the above is forwarded with compliments to the Director, Dept of Mines & Geology
Director of Industries & Commerce.
for information

By order.

Mc 4/1/19
for Chief Geologist.

WG

List of enclosure

Copied by

Examined by

WD 86—GPB—60,000—15-11 16

52

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to 10218

GENERAL AND REVENUE SECRETARIAT,
( )
, *the* 191 .

Date of issue 27/2/19

Signed by W. Mr. Ry

Section Gool
File No. 57-18.
Serial No. 7

No. G 18783

To

Dr W. Lucas M.A. D.Sc,
Secretary of the committee appointed to study questions of mineral exploitation in the State.

Sir,

I am directed to invite your attention to this office memo no G 14556-7 / Gool 57-18-4 dt 17-1-19 regarding the submission of the report by the committee and to request you to be so good as to state when you expect to submit the final report to Govt in question to Govt. The favour of an early reply is requested

I have etc

W. Mr. Ry
Secretary to Govt.

22/2/19

Office of the Director, Department of Mines &Geol

Dated, Bangalore, the 13th March 1919.

CHIEF SECRETARIAT. IV MINOR 15 MAR 1919

DIARY NO. 16238

Geol 5-7-18-8

No. 6281 Encls. two

From

Dr. W. F. Smeeth, M.A., D.Sc.,

Director, Department of Mines and Geology and

Convener of the Committee appointed to consider the

question of Mineral Exploitation in the State.

To

C. S. Balasundaram Iyer, Esq;, B.A.,

Chief Secretary to the Government of His Highness

the Maharaja of Mysore.

S i r,

With reference to Government Order No.G.6231-33/Geol. 6-17-18 dated 25th September 1918 appointing a Committee to consider the question of mineral exploitation as a whole in the State, I have the honour to forward herewith a copy of the proceedings of the two meetings of the Committee held on the 17th January and 11th February 1919 at which certain changes to be made in the rules for the grant of mineral licenses and leases were considered and some questions of policy relating to the rules discussed by the Committee. As will appear from the last para but one of the proceedings of the second meeting, the Committee were of opinion that the rules having been completely dealt with so far their resolutions might be submitted to Government for general approval and that the Department might proceed to redraft the rules accordingly when such approval had been obtained. I request therefore that orders of Government might be obtained generally approving of the changes etc., proposed in the resolutions of the Committee so that I may take further action and submit revised rules for final approval accordingly.

I shall submit a further report to Government when the Committee

59

Committee have concluded their work.

I have the honour to be,

Sir,

Your most obedient servant,

Director,

Department of Mines and Geology and

Convener of the Committee.

11/3/19

ACH.

5-5

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT

( )

, the *191*

Date of issue 14-4-19

Signed by Mr M.V. Iyengar

Section Geol
File No. 57-18
Serial No. 9

No. G 23458

To

Director Mtg.

Sir,

With reference to your letter no 6281 dy 13-3-19 forwarding a report of the Committee constituted in G.O. No G 6231-33 25-9-18 to consider the Geol 6-17-18 question of mineral exploitation in the State and stating that a further report would be submitted in due course regarding other matters deemed directed to report

over.

that the Committee may finish their labours ~~early~~
and submit ~~to Parliament~~ the further report
promised very early to facilitate
the consideration of the whole
question of the policy as regards
mineral exploitation -

Thanks
Yrs
for ch'dey
14-4-19

List of enclosures.

Copied by

Examined by

W D86--GPB--60,000--15-11-16

G. R. S. VI—G/32]

57

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT

( )

, the *191* .

Date of issue 5-6-29

Signed by

Section Geol

File No. 57-28

Serial No. A

No. 27239

To

Director Mines

Sir,

With reference to correspondence ending with your letter no. 6281 dy 13-3-29 on the views of the Committee on the Policy of mineral exploitation requesting that orders of Govt may be communicated generally approving of the changes proposed in the resolutions of the Committee I am directed to state that Govt generally approve

PUD.

over.

of the changes proposed by the Committee and to request that a copy of the draft rules as revised accordingly may be submitted for the approval of GoI at very early

Thanks.

Rie
31/5/19

for Chairman

List of enclosures.

Copied by

Examined by

W DS6--GPB--60,000-15-11-16

Office of . of Mines
and Geology

Dated Bangalore, September 1919.

No. 726 Enl: 6

From

Dr. W. F. Smeeth, M.A., D.Sc.,
Director, Department of Mines and Geology in Mysore.

To

C. S. Balasundaram Iyer, Esq., B.A.,
Chief Secretary to the Government of Mysore.

Sir,

With reference to your letter No.G.27239/Geol.57-18-11 dated 5th June 1919 conveying the general approval of Government to the changes in the rules re the grant of prospecting and other mineral concessions in the State proposed by the Committee on Mineral Exploitation appointed in Government Order No.G.6231/Geol-6-17-18 dated 25th September 1918 and requesting that a draft of the rules revised to include these changes may be forwarded, I have the honor to enclose herewith a copy of the proceedings of the 3rd meeting of the Committee held in my office on 15th July 1919 together with a copy of a revised draft rules as passed at the meeting and to request that the approval of Government may be be obtained to the rules as revised.

2. The note on a Gold Syndicate, which I placed before the Committee, is attached to the copy of the proceedings and the other note on the same subject, which they suggest might be submitted to Government for consideration, will be submitted later.

3. You will also observe that the Committee have approved of the suggestions made in my letter No. 3341 dated 8th May 1919 re. the reservation of certain minerals and mineral areas. This subject was placed before the Committee as suggested in your letter No.G

65

G.27399/Geol.47-18-8 dated the 6th June 1919, I am sending a separate communication to Government on the subject in reply to this letter requesting their sanction to the said proposals re. reservation.

I have the honor to be,

Sir,

Your most obedient servant,

W. F. Smeeth

D i r e c t o r,

Department of Mines & Geology.

6/9

CP.

SO

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

R e a d:-

(K) G.O. No.G.6231-33/Geol 6-17-18 dated the 25th September 1918 directing that a committee consisting of the ~~officiating~~ Director, Dept. of Geology, the Director of Industries and Commerce and the Secretary, Economic Conference, be formed to study the question of mineral exploitation as a whole in the State and to submit proposals regarding the main lines of policy to be followed in regard to mineral licenses etc.,

(1) 2. G.O. No.G.11505-7/Geol 57-18-1 dated 14th December 1918, directing that the Director, Department of Mines and Geology act as the convener of the committee with Mr. M. Venkatesa Iyengar, Assistant Secretary to Govt., as Secretary to the Committee.

(3) 3. G.O. No.G.13039-41/Geol 57-18-3 dated 2nd Jan 1919 appointing the Chief Secretary to Govt as a member of the above committee.

8 4. Letter No.6281 dated 13th March 1919 from the Director Dept. of Mines and Geology and convener of the committee, submitting a copy of the proceedings of two meetings of the committee containing proposals re. the changes that may be made in the rules for the grant of mineral licenses and leases.

16 5. Further correspondence ending with letter No. 726 dated 8th Sept. 1919 from the Director Dept. of Mines and Geology, submitting for approval of Govt. a copy of the draft revis

rules as finally passed by the committee and forwarding a copy of the ~~future~~ further proceedings of the committee.

****

Order No. 9 C 9921-2 Geol 57.08-17

Dated, Bangalore 27.2.1920

With the object of laying down the main lines of policy in regard to the exploitation of minerals in the State, Govt., in the first of the Orders read above, appointed a committee to go into the whole question and submit suitable proposals in the matter. The Committee ~~has~~ met thrice and discussed the more important of the matters connected with the question and submitted a report to Govt., embodying certain recommendations and proposing a set of draft rules regarding mineral licenses and leases in the State revised so as to include the changes referred to in ~~their~~ its recommendations. The papers regarding this committee are ~~all printed~~ appended to this order.

2. The recommendations of the committee relate to (1) changes in the rules re. mineral licenses and leases, ~~and~~ and certain matters of policy which ~~they~~ they consider it desirable for Govt. to ~~lay down~~ decide in connection with the rules, (2) the question of embodying these rules in a regulation, (3) the regulation of the issue of permits for ordinary ~~licenses~~ minerals by ~~the~~ Deputy Commissioners so as not to clash with licenses and leases that may be issued by the Geological Dept., (4) certain modifications in the existing provision in the rules under the Mining Regulation for protection of surface, question of exempting prospecting or

63

from the provisions of the Mines regulation ~~xx~~ which relate to deep mining only, (6) the question of the reservation of minerals and mineral areas, (7) and the question of State participation in mining.

~~2.~~ These proposals may be dealt with in order

3. In regard to the changes in the rules, the committee recommend ~~ed~~ that certificates of approval as in British India may be instituted in the State to be issued to persons to whom there is no objection to issue mineral licenses and leases. ~~in the State~~. Govt. approve of the proposal. The Director of Geology will submit ~~e~~early for the approval of Govt. a form of the certificate, providing in the office copy, for the inclusion of the information ~~x~~ referred to in para 2 of the committee's proceedings dated 17th Jan 1919.

Cul 4 8 8.

4. In this connection the committee have referred to the question of the preference to be shown ~~to~~ local enterprise in the issue of mineral licenses and leases. Govt., in an order dated 19th Feb 1919, have directed, in the case of minerals required for industrial purposes, that, subject to any general reservation of specified minerals or mineral areas and the condition that Govt. should have the first refusal of all ore collected, licenses and leases be freely issued to applicants, who are Mysoreans by birth or domicile, and in exceptional cases to others also preferably those who have already worked in the State for not less than five years. They are now futher pleased as recommended by the committee, to lay it down as a matter of policy in the case of all minerals that, other conditions be equal, natives of Mysore, by birth or domicile preferred in the issue of licenses etc.. ~~and~~

in special cases notifications be issued calling for applications from such persons for specified minerals and mineral areas.

5. Govt. agree that notwithstanding the institution of certificates of approval, exploring licences may continue to be issued as at present.

6. In regard to prospecting licenses the recommendations of the committee mainly are :-

(1)that the maximum area of a block that may be included under a prospecting license be 4 Sq. miles instead of 10 as at present;

(2)that the area over which a prospecting licensee will be entitled to claim a mining lease be fixed as some proportion of the area of the prospecting block so as to leave the major part of a prospected block under the control of Govt., when a lease has been issued to the licensee;

(3)that prospecting licenses should not be renewed an indefinite number of times, and that at each renewal a progressive rate of rent may be levied;

(4)and that the quantity of ore that may be removed under a prospecting license need not be limited as royalty is paid on whatever quantity is removed.

7. In regard to mining leases the committee recommend (1) that the total area which may be held by any one person under mining leases be limited to 5 Sq.Miles of which not more than 2 shall be for gold, (2) and that the period for which mining leases may be granted be reduced to 20 years in the case of Gold, 10 years in the case other minerals in the first instance, right to the lessee to have a continuance

lease for a further period(s) of 20 years and 10 years respectively under rules in force at the time of the renewal of lease.

8. In regard both to prospecting licenses and mining leases the committee recommended

(1) that, to make the demarcation of blocks easy, applicants be permitted to indicate the blocks applied for by means of village survey nos and village survey maps if preferred to the topographical survery map as required by the rules at present;

(2) that, with a view to safe-guard public interests, power should be reserved to Govt to enter upon any block to work minerals other than those specified in a license or lease or for the purpose of carrying out any work of public utility subject to due compensation;

(3) that further Govt. should reserve the right to refuse to include any portion of the prospecting block in a mining lease claimed thereon;

(4) that with a view to obviate unnecessary loss to a prospecting licensee he may be required to make sure prior to incurring any considerable expenditure on any portion of a block whether such block would be available to him for a mining lease if required later, it being also laid down as a matter of policy that unless for special reasons Govt. will not exercise the option prejudicially to the interests the licensee;

(5) and that in view of the possible requirements of Govt. for industrial purposes, Govt. retain the right of prospection in respect of all minerals obtainable

from blocks given out under licenses and leases

9. The committee have also proposed certain minor changes in others ~~ones~~ of the exisintg rules.

10. Govt. consider that all these changes proposed in the terms and other conditions of licenses and leases are improvements on the existing rules and are calculated to keep sufficient control in the hands of Govt. while encouraging the development of mineral resources by private enterprise The proposals regarding the marking of blocks on village survey maps are very desirable, as they facilitate the marking of blocks by the applicant and their identification by the departments of Govt. They are accordingly pleased to approve of these and the consequential changes in the rules and the appendices thereto.

U
Para 3 of proceedings
2nd meeting

11. In proposing the addition of a rule to the existing rules regarding the acquisition of occupied land included in a block granted under a license or lease, the committee have raised the question of the extent to which Govt. will help the holder of a mineral license or lease to acquire the surface rights of occupied land which may be included in his license or lease. The committee consider that ~~such~~ some provision is desirable in the rules in this respect and that Sec. 38 of the L.R. Code was undoubtedly intended to declare the acquisition of land to render possible the working for a mineral reserved by the Section to be acquired for a public purpose But they are doubtful if in the absence of specific reservation of powers to frame rules Section 38 either under the section itself

under section 233 of the L.R. code a rule to the effect that, in cases where the occupant of land included under a license is obstructive and it becomes necessary to acquire it to enable the licensee to carry on work under it, such land will be acquired by Govt. to be handed over to the licensee would not be outside the L.R. Code and the L.A. Regulation as they stand at present, and therefore propose that the question of amending the L.R. code and the L.A. Regulation for this purpose be considered by Govt. Govt. agree with the committee that some provision is necessary in this respect. As regards the amendment of either the L.R. code or the L.A. Regulation to render a rule such as the one proposed legal, Govt. observe that the purpose of proviso(2) to Sec. 38 L.R. code was, as stated by the committee, to render such acquisition legal as for a public purpose and that, though special power to frame rules under section 38 has not been reserved under either that section or section 233 of the L.R. Code, clause (n) of Section 233 is intended to cover all sections of the code for framing rules under ~~xxx~~ which specific power has not been reserved. Govt. observe also that the existing rules ~~xxxxxxxx~~ regarding mineral licenses and leases are themselves all rules under the said section, ~~They also observe~~ and that acquisition for a public purpose in the L.A. Regulation is sufficiently comprehensive to include a case under a rule thus framed under the L.R. Code. Govt. therefore consider any amendment of the L.R. code or of the L.A. Regulation unnecessary and approve of the inclusion of the ~~p~~ in this matter proposed by the committee in ~~the~~ revised rules ~~regarding~~ mineral licenses and leases.

12. The committee have forwarded a copy of the rules revised so as to include all the above changes. Govt. are pleased to approve of the rules as revised and appended to this order. Separate notification will issue publishing these rules in the Gazette for general information as rules framed under Section 38 of the L.R.Code.

13. In regard to the rules thus revised the committee recommended that certain views may be placed on record as matters of policy. One of them relates to the encouragement of local enterprise. In this matter the policy that Government intend should be pursued has been laid down above. The other suggestions of the Committee regarding policy are that it may be laid down:-

(1) that a prospecting license may not be renewed oftener than thrice except for -- strong and specific reasons, and

(2) that the powers reserved in favour of Government in Rules 28 and 29(regarding prospecting licenses) and rules 46 and 52 (re Mining leases) of the revised rules may not ordinarily be exercised to the prejudice of a licensee or lessee.

14. Government approve of these two recommendations.

15. In regard to the question of embodying the rules re licenses and leases in a regulation the views of the Committee are indicated in para 8 of the proceedings of their 2nd meeting. Government agree in the views of the Committee that the rules are rules under the L.R.Code and consider that there is no need to embody them under any other regu

tion

6.

15. In regard to the issue of permits by ~~the~~ the Deputy Commissioners, the Committee adopting the views of Dr. Smeeth in paras 61 to 66 of his note, recommended that for reasons stated by him the period of a permit issued by the Deputy Commissioner be limited to one year at a time. Government approve of the suggestion. They desire also to observe that Government having laid down above that except for special reasons and as far as possible, only one license should be in operation on any particular area at any one time, Deputy Commissioners should, in issuing permits over any area for the ordinary minerals mentioned in the rules, ascertain with reference to their records or to the Geological Department, if necessary, whether any license is in operation over such area. The provision in the rules approved above for the demarcation of a block applied for under a license or lease on the survey maps and in terms of S.Nos. is intended to keep the Rev. Dept. clearly informed of the areas so granted by the Geological Department so as to avoid the grant of conflicting rights by the Rev. and Geological Departments, and it is expected that there will hereafter be no difficulty for the Rev. Dept. in locating the areas comprised under licenses and leases issued by the Geological Department.

note c and 1 & 13.

16. The existing provision in regard to protection of surface under the rules re. mineral licenses and the rules under the Mines Regulation are discussed in paragraphs 15 and 16 of Dr. Smith's note appended to the proceedings of the third meeting of the committee and in para 6 of the proceedings of that meeting. Govt. observe that these provisions in the rules regarding the licenses etc., have three objects:—

and 1 & 16.

(1) Protcetion of surface and restoration

7c

same at the close of working to its previous condition as far as possible,

(2) keeping pits and shafts open so as to leave Govt. the option to use them if they so desire, when the lease or license has terminated.

(3) prevention of danger to men and cattle

The changes proposed by the committee in the rules for excepting abandoned or disused pits from the provisons of clasue 20 of the form of mining lease have been approved above. Govt. also consider the modification that in rule 7 of the rules under the Mines Regulation proposed by ~~para~~ ~~of~~ Dr. Smith's ~~note~~ and approved by the committee is desirable as the existing rule goes into complex details and the modification makes it simpler to enforce, while making the necessary provision for the safty of men and cattle. Rule 7 under the Mines may be modified accordingly.

17. Govt. agree also that the provisions of the mines regulation excepting section XVII regarding ~~the~~ ambulance etc., are unsuited to exploring and prospecting work which is mostly surface work and direct that they need not be applied to this class of work. The addition of rule 13 (a) proposed in para 17 of Dr. Smith's note appended to the preceedings of the third meeting of the ~~Association~~ committee is approved.

18. The committee have accepted the proposals of Dr. Smith's i.e. the reservation of minerals and mineral areas which have been under consideration of Govt. for ~~some~~ time

~~Sepe~~ Separate orders will issue on this matter in due course as also on the question of State

participation in mining on receipt of the alternative proposals on the subject from Dr. Smeeth referred to in the committee's report.

The appreciation of the Government of the thanks of Govt will be communicated to the members of the Committee in appreciation of the thorough manner in which the Committee have dealt with the question referred to them.

19.11.19

Chief Secretary to Government.

To The Director, Dept of Mines & Geology
On Special duty
The Director, Dept of Geology

11.2.20

D.M.G. 12].

5, St. Marks' Road,

BANGALORE, 20th April 1920.

No. 473/Sec. 2.

DIARY NO. 8162

18 19
Cipher 57 18-16
SECRETARIAT

FROM

DR. W. F. SMEETH, M.A., D.Sc., A.R.S.M., etc.,
Director, ~~Department~~ of Mines and Geology,
Mysore State.

To

C. S. Balasundaram Iyer, Esquire, B.A.,
Chief Secretary to the Government of His Highness
the Maharaja of Mysore..

SIR,

With reference to rules 3 to 6 of the Revised Rules for the grant of mineral licenses and leases, I have the honour to forward herewith for approval a draft of a form each of (1) application for certificate of approval and (2) certificate of approval.

2. In para 18 of the Rules, I have made a verbal alteration as ~~indicated~~ in the enclosed proof. This alteration appears to be desirable in order that the circumstances, under which renewals of prospecting license will be sanctioned, might be more explicitly stated.

3. Instructions are solicited as to whether all applications for certificates are to be sent to Government for approval. It seems to me that applications from persons already holding licenses and leases may advantageously be disposed of by the Director, Department of Geology, and that renewals may similarly be disposed of and that the only applications which need be sent

sent to Government for prior approval will be fresh applications from persons who do not, at present, hold mining concessions.

I have the honour to be,

Sir,

Your most obedient servant,

Director of Mines & Geology.

FORM NO. 1.

APPLICATION FOR A CERTIFICATE OF APPROVAL.

Dated

To

The Director,

Department of Geology.

Sir,

I have the honour to request that a Certificate of Approval under the rules contained in Notification No..... dated ..... may be granted to me, to enable me to acquire exploring and prospecting licenses and mining leases under the said Rules.

I note hereunder particulars in regard to my qualifications.

The fee of Rs.5/- payable in respect of this application has been paid into the .....Treasury and the duplicate of the Receipt obtained therefor is enclosed herewith.

I have the honour to be,
Sir,
Your most obedient servant,

---

1. Name of the applicant in full.

2. Birth-place.

3. Whether British Subject or not.

4. Occupation.

5. Address.
(Note.) If the applicant is a Company, Syndicate, partnership or a private firm, its name and nature and place of business should be mentioned.)

6. Mineral or minerals in which the applicant is specially interested.

7. Mining experience, if any, possessed by the applicant.

8. Reference to Certificates of approval, if any, granted to the applicant by any other Government or Administratio

9. Evidences as to the financial ability of the applicant to carry on satisfactory work.

10. Other particulars which the applicant wishes to state.

Signature of Applicant.

75

Form No.1 A.

DEPARTMENT OF GEOLOGY.

(FEE- Rupees Five.)

Certificate of Approval granted under the Rules contained in Notification No. dated,

---

This is to certify that.....
.....
.....
.....
is approved as a "person" who is qualified to acquire Exploring and Prospecting Licenses and Mining Leases in the State of Mysore, under the Rules contained in Government Notification No. ..... dated, ...1920.

This certificate shall be valid only up to the 31st December 19..

Dated, ...
..... 19..

Director,
Department of Geology.

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,

( )

the 191 .

Date of issue 30/4/20

Signed by Mr. D.C.S.

P.O.D.

Section Gaol
File No. 57-18
Serial No. —

No. G 24682

To

The Director of Mines Geology

Sir,

I am directed to state that the copy of proof showing the alteration proposed to be made in paragraph 18 of the rules referred to in paragraph 2 of your letter no. 7373 dt. 20-4-20 has not been received and to request that a copy of the same may kindly be forwarded as early.

I have the

honour to be

Sir

Your most obedient servant

Under Secretary to Govt.

over.

No. 475/Gen. 1.

Camp Hibbanahalli, Banasandra P. O.
St. Marks' Road, Bangalore
Date 5th May 1920.

DIARY NO. 189-18

19 -1
SECTION
FILED

From

Dr. W. F. Smeeth, M. A., D. Sc., Ph. D.
Director of Mines and Geology.

To

C. S. Balasundaram Iyer, Esq., B. A.,
Chief Secretary to the Government of
H.H. the Maharaja of Mysore.

Sir,

With reference to your letter No.G.2466/Geol. 57-18, dated 30th April 1920, I have the honour to forward herewith a copy of proof showing the alteration proposed to be made in paragraph 18 of the Rules for the grant of Exploring & Prospecting Licenses and Mining Leases in the State of Mysore.

I have the honour to be,

Sir,

Your most obedient Servant,

W. F. Smeeth

Director,

Dept., of Mines and Geology.

4.6.20.

16. Each application shall be in respect of a specified block of land not exceeding four square miles in area, which shall be, as far as possible, in the shape of a rectangle of which the length must not under ordinary circumstances exceed twice the breadth.

17. The Government reserve to themselves the power of refusing to grant a prospecting license in respect of any block without assigning a reason or to impose such special terms as they may in their absolute discretion think desirable.

18. Every prospecting license granted under these rules will be in Form No. 4 appended hereto and will be valid for one year, but the Government may at their discretion sanction the renewal of any license from year to year on payment, in advance, of the annual rent in accordance with the scale laid down in Rule 22 and on payment of any enhanced deposit as provided for in Rule 22. Ordinarily three such renewals will be sanctioned if there is ~~sufficient~~ reason to believe that serious work is being done and whenever a fourth renewal is desired special reasons must be given.

that a valuable mineral deposit has not been sufficiently located

19. Every application must be accompanied by.

(a) A sheet, extract or correct tracing of the Topographical Survey Map of Mysore (scale 1 inch to a mile) or of the village maps prepared by the Revenue Survey Department scale 8 inches to a mile upon which the boundaries of the block for which a license is required have been clearly marked.

(b) A schedule giving the names of the villages included (either wholly or partly) in the prospecting block together with the taluk and district in which they are situated and stating the area of the block in square miles.

(c) A schedule stating the mineral or minerals in respect of which the license is applied for.

(d) A fee of Rs. 25 for one square mile or portion thereof and Rs. 5 for each additional square mile or portion of a square mile.

20. On receipt of any application the Director, Department of Mines and Geology, will, if the Government decide to grant a license, inform the applicant of the amount of the rent and the deposit due thereon and of any special terms which they may consider desirable to impose. Within such time as may be fixed in each case the applicant shall pay the amount of the rent and deposit specified and such payment shall be held to involve the acceptance of any special terms of which the applicant has been informed.

The applicant may be required to point out the boundaries of the block applied for or to submit village maps upon which the boundaries of the block are shown.

21. The rent payable in respect of a license shall be not less than one anna and not more than one rupee per acre of the area granted. In the event of the renewal of a license, the rent payable will be one anna per acre over and above rent paid for the current year, during which application for renewal is made. Provided that the total rent shall not exceed one rupee per acre of the area.

22. The deposit payable in respect of a license shall be at the rate of Rs. 100 per square mile or portion thereof of the area granted. This deposit shall be held as security for the due fulfilment of the provisions of these rules and of the terms of the license and, subject to any deductions in this respect, shall be returnable to the licensee after the termination of the license. In the event of a renewal of a license being applied for, Government may, at their discretion, demand a further deposit for each or any period of renewal.

23. The block of land over which the prospecting license is granted need not be surveyed and demarcated; but, in the event of any doubt or dispute arising as to the boundaries of the block or whenever in the opinion of the Director, Department of Mines and Geology, a survey is necessary or desirable, he shall order the survey and demarcation of the block to be made either with or without an application for the same from the licensee, and the licensee shall pay the expenses of the survey and demarcation. The boundaries of the block of land for which a prospecting license has been granted shall be marked on the map attached to the license which will show the approximate positions of village boundaries and survey numbers comprised within the block. The area of the block will agree as far as possible with that applied for by the applicant under Rule 16, but will be definitely determained by the survey numbers (wholly or partly) included within the area as shown on the map attached to the license. In the event of any doubt or dispute in regard to the boundaries and demarcation of the block, the decision of the Director, Department of Mines and Geology, shall be final.

2 Copies

4 copies

G.R.S. VI–71]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

, *the* 191

Date of issue 12/5/20

Signed by Mr D.C.S.

PUBL

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Section Geol

File No. 57-18

Serial No. 19

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read— 1) paragraph 3 of Govt Proceedings no G 19921-2/Geol 57-18-17 & 27-2-1920 requesting the Director of Geology to submit for the approval of Govt a form of the certificate of Approval enabling holders to acquire exploring & prospecting licenses & mining leases.

2) Correspondence ending with letter no 475 & 5-5-20 from the Director of Mines & Geology, submitting drafts of application and certificates of approval and also proposals regarding the disposal of applications for certificates; and suggesting certain verbal alteration in Rule 18 of the Rules for the grant of Mineral Licenses & Leases.

Order No. G 25809—10.

Govt are pleased to approve of the form of application and of the certificate of

P.T.O.

to direct
approval and that applications for
certificates and ~~of~~ renewals thereof
~~thereof~~
from persons already holding licences &
leases be disposed of by the Director,
Dept of Geology and ~~that applications~~ those
from persons, who do not, at present, hold
any mining concessions, ~~should~~ be such ~~that~~
to Govt for orders

The alteration proposed in Rule
18 of the Rules for the grant of mineral
licences & leases is also approved. The Rule
as altered will read as follows:—

DCS
11/5/20.
Foreign Secy to Govt.

WS 11/5/20

To The Director of Mines & Geology
The Director, Dept of Geology.

List of enclosures.

Copied by

Examined by

WD 1744—GPB—30,000—17-3-19

A. R. S. VI—G/32]

5 C1

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,
( )
, the *191* .

Date of issue.....12/5/20.....

Signed by.....Mr C.S.B.....

Section Geol
File No. 57-18
Serial No. 20.

No. G 25838

Notification.

Under Section 38 of the Mysore Land Revenue ~~Code~~ Regulation IV of 1888 and in modification of Government Notification No. Cr 3119 / Geol 40-16-2 dated 5th September 1916 and subsequent amendments, the Govt of His Highness the Maharaja are pleased to prescribe the following revised and consolidated rules for the grant of Exploring and Prospecting Licenses and Mining Leases in the State.

2. The revised rules will come into force from the date of this Notification,

Here enter the rules

Mysore
dt 5/5/20.
Forest & Agrl Govt

To the Councils, Mysore Gazette for publication